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SEA

SERVICE DATE – JULY 6, 2007

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**STB DOCKET NO. AB-383 (Sub-No. 5X)**

**Wisconsin & Southern Railroad Co. - Abandonment Exemption - in Milwaukee County,  
WI**

**BACKGROUND**

In this proceeding, Wisconsin & Southern Railroad Co. (WSOR or railroad) filed a petition under 49 CFR 1152.20 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad in Milwaukee County, Wisconsin (WI). The rail line proposed for abandonment extends approximately 2.41 miles between Milepost 94.35 and Milepost 96.76 in the cities of Milwaukee and Glendale (“the Line”). The Line is also referred to as the Nut Line. A map depicting the Line in relationship to the area served is appended to this environmental assessment (EA). If the petition becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

**DESCRIPTION OF THE LINE**

The Line extends in a southeasterly direction between N. 24<sup>th</sup> and N. Richards streets. Land use in the vicinity of the Line is a mix of industrial and residential. The right-of-way is generally 100 feet wide. According to WSOR, a 131-foot-long bridge over W. Capitol Drive is the only structure on the Line and the railroad is not aware of its age.

The Line was originally constructed by the Milwaukee Road railroad in the late 1800s. In the early 1980s, the Soo Line Railroad Company (now part of the Canadian Pacific Railway) bought the Line from the Milwaukee Road. WSOR purchased the Line in 2000.

WSOR states that the Line has served just two customers since it was acquired in 2000: Bliffert Northside Lumber and Longview Fibre. Traffic handled for Bliffert Northside Lumber included 34 carloads in 2005, 68 carloads in 2006, and 13 carloads in 2007 at the time WSOR prepared its notice (April 18, 2007). Longview Fibre has stopped rail shipments. WSOR is not aware of any hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way.

## **ENVIRONMENTAL REVIEW**

WSOR submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities. WSOR served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)].<sup>1</sup> The Board's Section of Environmental Analysis (SEA) reviewed and investigated the record in this proceeding.

### ***Diversion of Traffic***

Because only limited traffic has moved on the Line in the past three years (i.e., a maximum of 68 carloads in 2006), the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

### ***Salvage Activities***

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way.

WSOR noted that the proposed abandonment should not be inconsistent with local or regional land use plans. The City of Milwaukee believes that the proposed abandonment would not be inconsistent with local land use plans. The Wisconsin Department of Transportation (WisDOT) encouraged preservation of the corridor for potential future transportation use. However, if abandonment occurs, WisDOT stated that all rails, ties and ballast must be removed from at-grade public road crossings.

The Natural Resources Conservation Service had not responded to the railroad's environmental report at the time this EA was prepared. However, because the Line is located in an urban area, the proposed abandonment would not likely affect prime agricultural farmlands. Therefore, the proposed abandonment does not involve the Federal Farmland Protection Policy Act (7 U.S.C. 4201).

The U.S. Fish and Wildlife Service and Wisconsin Department of Natural Resources had not responded to the railroad's environmental report at the time this EA was prepared. Because of the urban nature of the Line and immediate vicinity, and the limited scope of activities that

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<sup>1</sup> The railroad's environmental and historic reports are available for viewing on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB-383 (Sub-No. 5X).

would occur with salvaging, SEA would not expect the proposed abandonment to impact threatened or endangered listed species. However, copies of this EA have been provided to both agencies for review and comment.

The National Park Service noted that it had no comments on the proposed abandonment.

The U.S. Army Corps of Engineers (Corps) had not responded to the railroad's environmental report at the time this EA was prepared. According to WSOR, there are no bridges over waterways and there would be no in-stream salvage operations. Therefore, SEA would not expect the proposed abandonment to result in the discharge of dredge or fill material to waters of the United States. However, a copy of this EA has also been provided to the Corps for review and comment.

The proposed abandonment is located in Wisconsin's designated coastal zone and railroad abandonments are subject to Federal consistency review under the Wisconsin's coastal zone management program. According to the Board's environmental rules (49 CFR 1105.9), for any proposed action that is within a state coastal zone and subject to review under a state's coastal zone management plan, the railroad must certify that the proposed action is consistent with the state's coastal zone management plan. Accordingly, SEA recommends a condition to address this concern.

The National Geodetic Survey has reviewed the proposed abandonment and concluded that no geodetic survey markers would be affected.

## **HISTORIC REVIEW**

WSOR submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Wisconsin Historical Society (the State Historic Preservation Office or SHPO), pursuant to 49 CFR 1105.8(c). At SEA's request, the railroad also submitted color photographs of the only bridge on the Line to the SHPO on May, 9, 2007. The railroad is not aware of the age of this structure.

SEA has not heard from the SHPO; and therefore, has not been able to consider the SHPO's opinion before determining if the rail line may be potentially eligible for listing on the National Register of Historic Places (National Register). Accordingly, we are recommending a condition requiring the railroad to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's web site at <http://www.stb.dot.gov/stb/environment/preservation.html>.

SEA conducted a search of the Native American Consultation Database at [www.cast.uark.edu/other/nps/nacd/](http://www.cast.uark.edu/other/nps/nacd/) to identify Federally recognized tribes that may have

ancestral connections to the project area. The database identified the following four tribes within Milwaukee County that may have an interest in the proposed abandonment:

- Citizen Potawatomi Nation, Oklahoma,
- Forest County Potawatomi Community, Wisconsin,
- Hannahville Indian Community, Michigan, and
- Prairie Band of Potawatomi Nation, Kansas.

A copy of this EA has been provided to all four tribes for review and comment.

## **CONDITIONS**

In order to mitigate the potential environmental impacts from the proposed abandonment, SEA recommends that the following environmental conditions be placed on any decision granting abandonment authority:

1. Wisconsin & Southern Railroad Co. shall be prohibited from performing any salvage activities until the Federal consistency certification and concurrence process is completed pursuant to the Coastal Zone Management Act, 16 U.S.C. 1451 *et seq.* and the Board's environmental regulations at 49 CFR 1105.9.
2. Wisconsin & Southern Railroad Co. (WSOR) shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. WSOR shall report back to the Section of Environmental Analysis (SEA) regarding any consultations with the Wisconsin Historical Society (State Historic Preservation Office) and the public. WSOR may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

## **CONCLUSIONS**

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended conditions are imposed, discontinuance of service and abandonment of the Line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations and no salvage activities), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

## **PUBLIC USE**

Following abandonment and salvage of the rail line, the ROW may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

## **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within the time specified in the Federal Register notice. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

## **PUBLIC ASSISTANCE**

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at 202-245-0230, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

## **COMMENTS**

If you wish to file comments regarding this environmental assessment, please send an **original and one copy** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Dave Navecky, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB-383 (Sub-No. 5X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Dave Navecky, the environmental contact for this case, by phone at 202-245-0294, fax at 202-245-0454, or e-mail at [naveckyd@stb.dot.gov](mailto:naveckyd@stb.dot.gov).

Date made available to the public: July 6, 2007.

**Comment due date: August 3, 2007.**

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams  
Secretary

Attachment